JAN 10 2002 JC18 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: G. Allan Whittaker et al.

SERIAL NO.: 09/924,037 GROUP ART UNIT: 2633

FILED: August 7, 2001 EXAMINER: (not assigned)

FOR: PHYSICAL LAYER TRANSPARENT TRANSPORT INFORMATION ENCAPSULATION METHODS AND SYSTEMS

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I hereby certify that this correspondence is being deposited with the United States Postal Service as certified first class mail in an envelope addressed to: Box Missing Parts, USPTO, P.O. Box 2327, Arlington, VA 22202, on January 2, 2002.

Janie Wilkins

ATTORNEY DOCKET NO.: L6780/250037

Assistant Commissioner for Patents
Box Missing Parts
Washington, D.C. 20231

DATE: January 2, 2002

RESPONSE TO NOTICE OF MISSING PARTS

Sir:

This paper is submitted in response to the "Notice to File Missing Parts of Nonprovisional Application" mailed on October 3, 2001. In response, an executed Declaration for Patent Application is being submitted (Exhibit A), a copy of the Notice to File Missing Parts of Nonprovisional Application (Exhibit B), and a check for $240.00 ($130.00 surcharge fee and $110.00 extension of time fee). No other fee is believed to be due, however, if this belief is incorrect, the Commissioner is authorized to debit Kilpatrick Stockton deposit account no. 11-0855 for any additional fees due.

Respectfully submitted,

Geoff L. Sutcliffe
Registration No. 36,348
Attorney for Applicant's Assignee

OF COUNSEL:
KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
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(404) 815-6530

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/924,037	08/07/2001	G. Allan Whittaker	L6780/250037

CONFIRMATION NO. 1465

23370
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

FORMALITIES LETTER

OC000000006835024

Date Mailed: 10/03/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of $130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is $ 130.**

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

01/16/2002 HNOOR1 00000001 09924037
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PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/924,037
Filing Date	08/07/2001
First Named Inventor	G. Allan Whittaker
Group Art Unit	2633
Examiner Name	Unassigned
Total Number of Pages in This Submission	
Attorney Docket Number	L6780/250037

ENCLOSURES *(check all that apply)*

- [x] Fee Transmittal Form
 - [x] Fee Attached
- [] Amendment / Reply
 - [] After Final
 - [] Affidavits/declaration(s)
- [] Extension of Time Request
- [] Express Abandonment Request
- [] Information Disclosure Statement
- [] Certified Copy of Priority Document(s)
- [x] Response to Missing Parts/ Incomplete Application
 - [x] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [] Assignment Papers *(for an Application)*
- [] Drawing(s)
- [] Licensing-related Papers
- [] Petition
- [] Petition to Convert to a Provisional Application
- [] Power of Attorney, Revocation Change of Correspondence Address
- [] Terminal Disclaimer
- [] Request for Refund
- [] CD, Number of CD(s) _____
- [] After Allowance Communication to Group
- [] Appeal Communication to Board of Appeals and Interferences
- [] Appeal Communication to Group (*Appeal Notice, Brief, Reply Brief*)
- [] Proprietary Information
- [] Status Letter
- [] Other Enclosure(s) *(please identify below)*:

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm *or* Individual name	Geoff L. Sutcliffe, Reg. No. 36,348 KILPATRICK STOCKTON LLP
Signature	Geoff L. Sutcliffe
Date	1/2/02

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as certified first class mail in an envelope addressed to: Box Missing Parts USPTO, P.O.Box 2327, Arlington, VA 22202 1/2/02

Typed or printed name	Janie Wilkins		
Signature	Janie Wilkins	Date	1/2/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

JAN 10 2002 JC18

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT ($) 240.00

Complete if Known	
Application Number	09/924,037
Filing Date	08/07/2001
First Named Inventor	G. Allan Whittaker
Examiner Name	Not Assigned
Group Art Unit	2633
Attorney Docket No.	L6780/250037

METHOD OF PAYMENT

1. ☑ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 11-0855

Deposit Account Name: KILPATRICK STOCKTON LLP

☑ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☑ **Payment Enclosed:**

☑ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES

		Extra Claims		Fee from below	Fee Paid
Total Claims		** =	X		= 0.00
Independent Claims		** =	X		= 0.00
Multiple Dependent					=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for *ex parte* reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	110.00
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 240.00

SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Geoff L. Sutcliffe	Registration No. (Attorney/Agent)	36,348	Telephone	404.815.6530
Signature	Geoffrey L. Sutcliffe			Date	1/2/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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